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RUEHKU/AMEMBASSY KUWAIT PRIORITY 0463
RUEHDE/AMCONSUL DUBAI PRIORITY 6777
RUEHKP/AMCONSUL KARACHI PRIORITY 3178
RUEHLH/AMCONSUL LAHORE PRIORITY 0442
RUEHPW/AMCONSUL PESHAWAR PRIORITY 8199
RUEKJCS/SECDEF WASHINGTON DC PRIORITY
RHEHAAA/NATIONAL SECURITY COUNCIL WASHINGTON DC PRIORITY
RHMFISS/HQ USCENTCOM MACDILL AFB FL PRIORITY
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RHMFISS/DEPT OF JUSTICE WASHINGTON DC PRIORITY
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RUEKJCS/OSD WASHINGTON DC PRIORITY
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RUEHBUL/USDAO KABUL AF PRIORITY
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C O N F I D E N T I A L SECTION 01 OF 04 KABUL 000263

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TAGS: [PGOV](#) [PHUM](#) [PREF](#) [PREL](#) [AF](#) [IR](#)
SUBJECT: IRAN EVICTING AFGHAN MIGRANTS, PUSHING TO CONVERT
AFGHAN REFUGEES INTO TEMPORARY WORKERS

REF: A. REF A: 08 STATE 132664
[1](#)B. REF B: 08 KABUL 159

Classified By: Alan Yu, Political Counselor, US Embassy Kabul, for reasons 1.4 (b) and (d).

[1](#)1. (C) Summary: Iran continues to deport (illegal) Afghan economic immigrants at the rate of about 1,400 a day, despite Afghanistan's top refugee official's announcement that he had convinced Iran to stop deporting refugees and economic migrants through the winter. The official has since privately conceded that Iran is free to deport illegal immigrants, and that he has nothing to say about it. Worse, he and his UNHCR-funded advisor seem resigned to accepting an Iranian proposal to convert up to 300,000 registered Afghan refugees living in Iran into temporary workers. This would strip the refugees of the protections provided by international law, with no apparent benefit to Afghanistan. We will continue to work with UNHCR and the Government of Afghanistan to ensure they do their best to protect refugees' rights under international law.

IRAN STEPS UP DEPORTATIONS OF ECONOMIC MIGRANTS, GIROA AGAIN SILENT

[1](#)2. (U) According to the UN High Commission on Refugees (UNHCR), Iran deported a record 403,451 Afghans in 2008. The vast majority (394,411) were adult men or unaccompanied minor

boys who illegally entered Iran in search of work. Averaged over all of 2008, 1,100 economic migrants were deported daily. In November and December, an average of 1,400 economic migrants were deported daily. UNHCR estimates that Iran deported 34,995 Afghans in January 2009, a daily average of 1,128.

¶3. (SBU) In late December 2008, Second VP Karim Khalili led an Afghan government delegation to Tehran. Acting Minister for Refugees and Repatriation Abdul Karim Brahawi told us then that the purpose of the trip was to persuade Iran to suspend deportations of Afghan refugees and illegal Afghan migrants. On December 29, Brahawi, who accompanied VP Khalili, insisted to Kabul Refugee Affairs Specialist that Iran had verbally committed to suspending deportations until Iranian/Afghan New Year, March 21, 2009.

¶4. (U) Days after the December 28 press conference, UNHCR reported no decrease in deportations at the border crossings at Islam Qala (Herat Province) and Zaranj (Nimroz Province). In fact, deportees were being expelled at a higher rate than earlier in the year.

¶5. (C) On January 31 we followed up with Brahawi, to reconcile his statements and the reality of increased expulsions. Instead, Brahawi explained the difference between refugees and economic migrants. He noted that the Ministry of Refugees and Repatriation (MORR) had no responsibility for economic migrants, and that he had been on the job just three days when he traveled with the delegation to Iran. He stressed that Iran was free to deport illegal immigrants, and the GIROA would not criticize Iran for exercising its sovereign right to control and secure its borders. He would not admit to discussing deportations with Iran.

WORK PERMITS CONTEMPLATED FOR "CONVERTED" REFUGEES, NOT FOR ECONOMIC MIGRANTS

¶6. (C) Brahawi proudly claimed that he had, however, obtained concessions from Iran for refugees. Iran had proposed issuing 300,000 work permits for registered Afghan refugees in Iran, effectively converting them from refugees to temporary laborers. Iran initially demanded that refugee families return to Afghanistan; only then could the head of household receive a work permit to return to Iran. Work permits would be valid for six months, after which the head of household would return to Afghanistan. Brahawi persuaded Iran to let refugee families remain in Iran for the term of the permit, and to raise the period of validity to one year, with the possibility of three one-year renewals thereafter.

¶7. (C) Iran announced during the November 2008 international refugee conference (ref A) that it was discussing work permits with the Government of the Islamic Republic of Afghanistan (GIROA). Most observers believed the work permits would be for heretofore undocumented immigrant labor. Brahawi contended that the intention had always been work permits for registered refugees, reiterating that MORR had no mandate to deal with economic migrants. In December 2008 Iran gave a draft memorandum of understanding (MOU) to the GIROA. A GIROA inter-ministerial review of the MOU then began. Separately, UNHCR's Afghanistan country director shared with us the draft MOU, unofficially passed by the Government of Iran to UNHCR in Afghanistan.

¶8. (SBU) The draft MOU states that the GIROA visited Iran to assess converting registered Afghan refugees into temporary workers (undocumented Afghans were not mentioned). Only Afghan refugees who participated in all three phases of Iran's Amayesh registration would be eligible. The GIROA would issue free passports to all eligible Afghans within a year of the MOU being signed. Iran would issue one-year (extendable) residence visas to Afghan refugees who obtained passports. The MOU did not say how many times a visa could be extended. Iran would issue up to 300,000 work permits to male Afghans, over 18 years old, holding residence visas if

an eligible employer (NFI) introduced them to the Ministry of Labor and Social affairs as eligible workers (NFI).

¶9. (SBU) Under the draft MOU, the two national governments would urge UNHCR to consent to 'converting the status of registered Afghan refugees in Iran into labor migrants.' The MOU specified that UNHCR would consider the "voluntary approach of Afghan heads of households . . . to get (an) Afghan passport and one-year visa . . . the end of refugee status for these families. Therefore, UNHCR will consider the Government of Islamic Republic of Iran entitled to cancel the refugee status of the aforementioned Afghan families."

¶10. (U) Note: Cancelling refugee status would eliminate protections guaranteed by the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. These rights include, among others, the right to work (article 17), the right to public relief and assistance (article 23) and, most importantly for those still fearing persecution in Afghanistan, the right not to be forcibly returned (article 33), known as the principle of nonrefoulement.

¶11. (C) UNHCR's country director told us that UNHCR has offered no formal comment to Iran on the MOU. UNHCR plans to save its legal and procedural arguments against Iran's "maneuver" until it is required to mobilize. In the meantime, it is offering the GIROA tactical advice, such as encouraging it to broaden bilateral discussions to include legalizing economic migration for Afghans living in Afghanistan. Contrary to UNHCR advice, the Ministry of Foreign Affairs (MoFA) is reportedly inclined to offer a counter-proposal based on Iran's text. UNHCR fears that negotiating the details of the text implies that the GIROA accepts the MOU's underlying principal, that the two governments can negotiate away the refugees' international legal protections.

¶12. (C) We asked Brahawi why the GIROA would consider a proposal stripping many of its citizens in Iran of the protections provided by customary international law. Brahawi responded that Iran was constantly looking for ways to rid itself of Afghan refugees. The majority of refugees did not want to return. Iran paid lip-service to refugee rights but did not, in fact, protect them. The GIROA was salvaging what it could for refugees before Iran tired of them altogether and forced them out, regardless of international opinion.

¶13. (C) To our great surprise, the capacity development advisor (CDA) funded by UNHCR to support the Minister of Refugees and Repatriation defended the conversion proposal. If/when the GIROA agreed to Iran's proposal, UNHCR would educate refugees so that they would give informed, voluntary consent to their changed status. UNHCR's country director noted that the acting minister lived in Iran as a mujahidin commander during the Soviet occupation and again during the Taliban regime. The CDA's circumspect approach was justified.

¶14. (C) Comment/Conclusion: The MOU is evidence that Iran is actively seeking to repatriate Afghan refugees, but it is also evidence that Iran seeks the imprimatur of UNHCR. This is not the first time the GIROA has avoided confronting Iran about its treatment of Afghan refugees. During the winter of 2007/2008, Iran deported thousands of economic migrants and refugees, creating a humanitarian crisis, ref B. Iran suspended deportations following public and GIROA diplomatic protests, and UNHCR appeals for international support for its response to the crisis. The then-Minister of Refugees and Repatriation acted only at the urging of UNHCR. The minister's initial passivity earned him a Parliamentary no-confidence vote. We are working with UNHCR, and our own GIROA contacts, to stiffen the GIROA's inter-ministerial resolve to make repatriation truly voluntary and predictable, and to think of work permits as a way to regularize economic migration, not as a sop to Iranian demands at vulnerable Afghans' expense.